

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JOYCE STEVENSON,

Plaintiff,

vs.

Civ. No. 23-386 KK/JFR

THOMAS CREESE,

Defendant.

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

THIS MATTER is before the Court on 1) Plaintiff's Motion to Amend the Second Amended Complaint (Doc. 11); 2) Defendant's Motion to Consolidate Cases (Doc. 21); 3) Defendant's Motion to Dismiss Second Amended Complaint (Doc. 22); 4) Plaintiff's Notice of Request to Withdraw Complaint for Civil Rights Violation (Doc. 24); 5) Plaintiff's Corrected Notice of Withdrawal of Plaintiff's Complaint for Civil Rights Violation (Doc. 26); and, 6) Plaintiff's Motion to Amend Complaint for Civil Rights Violation (Doc. 28). The Court held a hearing on the motions and notices on Friday, October 6, 2023, at 10:30 a.m. (Doc. 33.) Counsel for Defendant Creese appeared for the hearing, but Plaintiff, who is proceeding *pro se*, did not appear.

Having considered the filings by both parties, including Plaintiff's Notice of Request to Withdraw Complaint for Civil Rights Violation (Doc. 24) and Plaintiff's Corrected Notice of Withdrawal of Plaintiff's Complaint for Civil Rights Violation (Doc. 26), as well as Defendant's presentation at the hearing on October 6, 2023, and for the reasons stated on the record at the hearing and as further stated herein, the Court finds that dismissal of this action without prejudice is proper and will dismiss this action accordingly. *See* Fed. R. Civ. P. 41(a)(2).

IT IS THEREFORE ORDERED that this matter be and hereby is DISMISSED without prejudice. Except as otherwise stated in this Order, all pending motions are hereby DENIED as MOOT.

IT IS FURTHER ORDERED that, after conclusion of the next business day following the expiration of thirty days from the date of this Order and absent further challenge to this Order in this proceeding, this Order may properly be submitted for recordation in any New Mexico county real estate office to evidence that this action is concluded and that any associated notice of lis pendens for this proceeding is hereby released in all respects, including the Notice of Lis Pendens recorded on May 16, 2023 as Document No. 2023009237 in Book 426 at Page 9237 in the Official Records of the Sandoval County Clerk. (*See* Doc. 10 at 7-8.) Given the dismissal of this action, it is proper to release the Notice of Lis Pendens under the parameters specified above.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kirtan Khalsa", written over a horizontal line.

KIRTAN KHALSA  
UNITED STATES MAGISTRATE JUDGE